

CHAPTER: 700

Operational Security

DEPARTMENT ORDER:

709 – Substance Abuse, Detection and Control

OFFICE OF PRIMARY RESPONSIBILITY:

OPS

Effective Date:

April 7, 2009

Amendment:

November 7, 2017

Supersedes:

DO 709 (10/15/04)

Scheduled Review Date:

April 1, 2019

ACCESS

☐ **Contains Restricted Section(s)**

Arizona Department of Corrections

Department Order Manual

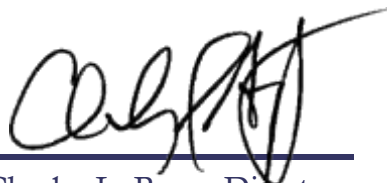

Charles L. Ryan, Director

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PURPOSE

The Department's position is **ZERO TOLERANCE** with respect to the possession or use of alcohol, narcotics or illegal drugs by inmates/offenders under its supervision, who face consequences for such violations. Enforcement shall entail varied activities and strategies, including the use of Narcotic Detection Dogs and a system of urine collection and testing. The Department provides opportunities for substance abuse education and treatment, allowing inmates to address drug and alcohol addictions.

APPLICABILITY

This Department Order addresses the security and enforcement aspects of substance abuse and control. For information relating to the Department's treatment programs, see Department Order #917, Substance Abuse Services.

PROCEDURES

1.0 ZERO TOLERANCE FOR SUBSTANCE ABUSE – The Deputy Director, the Division Director for Prison Operations, the Regional Operations Directors, the Community Corrections Operations Director, Wardens and Deputy Wardens shall ensure:

- 1.1 Staff in all institutions and, to the extent possible, staff supervising offenders in the community, shall employ substance abuse prevention and interdiction tactics.
- 1.2 Designated staff administer discipline, in accordance with Department Order #803, Inmate Disciplinary System, to inmates who violate rules relating to illegal alcohol and substance abuse. Positive drug tests shall increase inmates' risk/need scores for addiction treatment and affect their ranking on the Priority Ranking Report for treatment. *[Revision – January 21, 2012]*
- 1.3 Inmates housed in institutions and correctional release centers shall be charged with the appropriate disciplinary rule violation when:
 - 1.3.1 They produce a urine specimen which tests positive for illegal drugs or alcohol.
 - 1.3.2 They are found in possession of illegal drugs, drugs not legally prescribed, or alcohol.
 - 1.3.3 They are involved in smuggling illegal substances or alcohol.
 - 1.3.4 They willfully disobey a direct order from staff by refusing or failing to produce a urine specimen.
- 1.4 Disciplinary sanctions are imposed for all violations resulting in guilty findings. Sanctions imposed may include non-contact visitation.
- 1.5 Non-contact visitation is imposed or visitation is suspended, in accordance with Department Order #911, Inmate Visitation, for those inmates:
 - 1.5.1 That test positive for illegal drugs or alcohol, regardless of the status of related disciplinary action.
 - 1.5.2 That is involved in documented smuggling of illegal drugs or alcohol.

- 1.6 An inmate is referred to the Institutional Classification Committee for an appropriate increase in his or her correctional classification profile scores, in accordance with Department Order #801, Inmate Classification, following a conviction for a major disciplinary violation related to illegal drug or alcohol possession or use.
- 1.7 Staff responsible for the supervision of offenders in the community administer sanctions in accordance with Department Order #1003, Community Supervision, when an offender:
 - 1.7.1 Tests positive for illegal drugs or alcohol (if it constitutes a violation of release conditions).
 - 1.7.2 Is found in possession of illegal drugs, drugs not legally prescribed, or alcohol (if it constitutes a violation of release conditions).
 - 1.7.3 Disobeys a direct order from staff by refusing or failing to produce a urine specimen.
- 1.8 Evidence obtained against suspects who take prohibited articles into a prison or correctional release center, or who promote prison contraband, are referred to the appropriate prosecuting authority for consideration for formal charges.

2.0 INMATE URINE COLLECTION – Staff shall collect inmate urine specimens to be tested for evidence of illegal drug or alcohol use.

2.1 Collection Frequency

- 2.1.1 The total number of institutional urinalysis tests performed each month shall equal at least ten percent of a unit's population. In order to use resources effectively, however, more emphasis shall be placed on Targeted Testing than on Random Testing.
 - 2.1.1.1 Targeted Testing – Inmates designated for Targeted Testing shall be subject to frequent urinalysis based on their own exhibited behavior and status as a high-risk alcohol or drug user. In addition to frequent urinalysis, these inmates may also be placed on non-contact visitation status for an indefinite period at the discretion of the Deputy Warden or Administrator to prevent drug smuggling activity during visitation. Inmates in secure facilities who meet any of the following criteria shall be considered at high risk for abuse of alcohol and illegal drugs.
 - 2.1.1.1.1 Inmates convicted of illegal drug use or smuggling-related disciplinary violations.
 - 2.1.1.1.2 Inmates convicted of alcohol-related disciplinary violations.
 - 2.1.1.1.3 Inmates suspected of being involved in any documented or undocumented smuggling activity in any location within the institution.
 - 2.1.1.1.4 Inmates who exhibit any abnormal behavior that may be attributed to drug or alcohol abuse.

- 2.1.1.1.5 Inmates who have alcohol/drug classification scores of four or five as outlined in the Department Order #801, Inmate Classification.
 - 2.1.1.1.6 Inmates are assigned to off-site work locations external of institution grounds.
 - 2.1.1.1.7 Inmates who participate in drug and alcohol treatment programs.
 - 2.1.1.2 Random Testing – Inmates not involved in Targeted Testing shall be tested at random at the discretion of the Deputy Warden or Administrator.
 - 2.1.1.2.1 Random specimens shall be selected using a computer program that generates random numbers.
 - 2.1.1.2.2 Deputy Wardens and Administrators shall assign a sequential numerical position representing every inmate in the unit, such as a mailbox or bed number, as the basis for random testing.
 - 2.1.1.2.3 Specimens for random testing shall be collected on different days of the week and different shifts, to avoid setting a predictable pattern.
 - 2.1.2 A Rapid-Tox cup conducts six separate panels, screening for marijuana, opiates, cocaine, PCP, amphetamines and methamphetamines. When urine samples are collected for reasonable suspicion of use of a specific drug, for example, staff detected odor of marijuana in the inmate's cell or living area, or a narcotic detection dog alerts to evidence of a specific drug in an inmate's possession, a notation shall be made by the collecting officer on the Request for Inmate Substance Screen, Form 709-1.
 - 2.1.2.1 Community Corrections staff who are responsible for Community Supervision shall:
 - 2.1.2.1.1 Conduct offender urinalysis testing in accordance with the Community Supervision Technical Manual.
 - 2.1.2.1.2 Complete documentation according to the requirements of the Community Supervision Technical Manual, to include noting the type of test (targeted, random, scheduled or other appropriate language).
- 2.2 General Urine Collection Guidelines
 - 2.2.1 Staff collecting urine specimens shall be of the same gender as the inmate/offender providing the specimen.

- 2.2.2 Institutions shall purchase and maintain Rapid-Tox specimen containers with screw on lids, and ensure that they are kept in a clean secure environment to eliminate the possibility of contamination. Daily inventory shall be conducted to ensure an accurate supply is maintained.
- 2.2.3 Units will be issued a sufficient supply of containers and lids to complete the mandatory 10% testing of their unit population, plus established target population. All cups containing samples will be accompanied by a completed Request for Substance Screen form and Urinalysis Chain of Evidence Log to maintain 100% accountability.
- 2.2.4 Parole Officers shall maintain a supply of specimen containers as required by the contract for urinalysis monitoring.
- 2.2.5 Certified Correctional Officers, or other authorized personnel accepting specimens being delivered for urinalysis may refuse to accept leaking specimens, specimens that are not correctly labeled, not accompanied by the proper paperwork, or not delivered according to procedures set forth in this Department Order. Refused specimens shall be returned to the requesting unit, along with the reason for the refusal. Staff who returns samples shall notify the requesting unit's Deputy Warden or designee of the rationale behind refusal to accept the samples in question.
- 2.2.6 If there is a question as to the legitimacy of a urine specimen or a possibility of contamination, a second urine specimen may be requested and collected.
- 2.2.7 If a staff member believes an inmate/offender has recently used marijuana, at least six hours (ample time for the substance to metabolize in the body) shall be allowed to pass before a specimen is collected.
- 2.2.8 In situations involving offenders, Community Corrections Officers may follow the procedures outlined in the Community Supervision Technical Manual. A urine specimen need not be taken in those cases where the offender has admitted use or is obviously under the influence of alcohol.
- 2.2.9 Urine specimens collected by Community Corrections Officers or by a contractor designated to conduct urinalysis shall be handled according to guidelines established by the contractor.
- 2.2.10 The Chain of Custody shall be preserved and documented for:
 - 2.2.10.1 Inmates – On the Chain of Custody of Evidence section of the Request for Inmate Substance Screen (reverse side of the form).
 - 2.2.10.2 Offenders – On forms designated by the contractor responsible for urinalysis.

2.3 Specimen Collection Procedure

- 2.3.1 When requested to collect a urine specimen, the staff member shall:
 - 2.3.1.1 Obtain and complete the top portion of a Request for Inmate Substance Screen or a form approved by the contractor responsible for offender urinalysis.

- 2.3.1.2 Obtain a non-contaminated urine container, an indelible ink marker, clear tape, and latex gloves.
- 2.3.1.3 Legibly print the required information on the label, waiting to attach the label.
- 2.3.1.4 Accompany the inmate/offender to the collection site and conduct a strip search.
 - 2.3.1.4.1 If the search or demonstrated behavior leads the staff member to believe the inmate/offender may try to contaminate the specimen, he or she may be prohibited from redressing until the specimen is provided. In the interest of general modesty, the inmate/offender shall be provided a garment, e. g., a hospital gown, that does not obstruct the staff member's clear view.
 - 2.3.1.4.2 If necessary, the inmate/offender may be directed to roll up long shirt sleeves for inspection of the arms.
- 2.3.1.5 Examine the inmate/offender's identification card and verify the identity of the inmate providing the sample.
- 2.3.1.6 Inspect the inmate/offender's hands, especially the fingernails, to ensure that there are no foreign substance(s) embedded there.
- 2.3.1.7 Require the inmate/offender to wash his or her hands with soap and water in the presence of the staff member, and direct the inmate/offender to wash other parts of the body as deemed necessary by the staff member for hygienic reasons. The inmate/offender may be directed to put on gloves when providing a urine specimen.
- 2.3.1.8 Visually observe the urine leaving the inmate/offender's urethra and entering the container.
 - 2.3.1.8.1 Male inmates/offenders shall be instructed to position themselves at a urinal or commode in a manner that allows the staff member unobstructed observation of the urine voiding process.
 - 2.3.1.8.2 Female inmates/offenders may be asked to squat and cough prior to providing the specimen, to preclude the use of vaginal set-ups containing clean urine or adulterants, and shall be instructed to straddle or sit towards the back of the commode seat facing forward, holding the specimen cup with one hand. The other hand may be placed against the wall for support. The staff member shall stoop in front of the commode and directly observe the voiding of the urine from the urethra.
- 2.3.1.9 Put on protective gloves before handling a urine specimen container.

- 2.3.1.10 Ensure that the specimen cup contains enough urine for testing (about one to two ounces).
- 2.3.1.11 Direct the inmate/offender to screw or lock the lid securely onto the container when the urine voiding process is complete.
- 2.3.1.12 Give the inmate/offender two five-inch strips of clear tape and instruct the inmate/offender to place the tape across the lid and down the sides of the container in a criss-cross fashion. No tape shall be applied if using security locking containers, or manufacturer provided/recommended sealing mechanisms. **[Revision – January 21, 2012]**
- 2.3.1.13 Enter the inmate's name and ADC number on the container label and collection time on the Request for Inmate Substance Screen or approved collection form, and apply the label to the container's side.
- 2.3.1.14 Instruct the inmate/offender to sign where indicated on the Request for Inmate Substance Screen or approved collection form provided by the contractor.
- 2.3.1.15 Sign the request, enter his or her badge number, date and time, and write any necessary comments about the collection process or the specimen.
- 2.3.1.16 Enter the inmate's/offender's name on the first line of the Chain of Custody of Evidence, on the reverse side of the Request for Inmate Substance Screen or approved collection form provided by the contractor responsible for urinalysis.
- 2.3.1.17 Enter the date and time, which shall match the date and time on the front of the page and on the specimen.
- 2.3.1.18 Enter his/her own name below the inmate's/offender's to acknowledge receipt of the specimen from the inmate/offender.
- 2.3.1.19 Staff shall wait a minimum of five minutes before reading the strip on the cup for positive or negative results. If results are: **[Revision – November 7, 2017][2]**
 - 2.3.1.19.1 Negative – The negative box on the request for substance screen shall be checked. Staff shall ensure disposal of urine in a toilet and container shall be discarded in a trash bag to be disposed of by staff in a refuse container located outside the secure confines of the unit. **[Revision – January 21, 2012: Sections 2.3.1.19.1 and 2.3.1.19.2]**
 - 2.3.1.19.2 Positive – The positive box on the request for substance screen shall be checked. Staff shall ensure that all positive specimens are packaged along with accompanying completed paperwork and arrangements made with courier for pick-up and delivery to the designated lab to complete confirmation testing.

- 2.3.2 When urinalysis/blood tests are conducted at a contract or hospital site for an inmate who is suspected of substance abuse, those test results shall be forwarded to the applicable institution to be used as administrative evidence in the inmate disciplinary process.
- 2.3.3 The Community Supervision Technical Manual may establish procedures for obtaining a urine specimen that reflect physical location and/or physical plant issues or other situations unique to community supervision involving the taking of a specimen, e.g., size of the bathroom or availability of hand washing supplies.

2.4 Inmate/Offender Inability or Refusal to Produce a Specimen

- 2.4.1 Any inmate or offender who refuses to provide a urine specimen shall be subject to disciplinary action.
 - 2.4.1.1 An inmate's refusal to give a specimen shall be considered refusal to obey a direct order, but shall not be considered an admission of guilt.
 - 2.4.1.2 A refusal by an offender shall be considered a violation of conditions of supervision and may be considered an admission of guilt.
- 2.4.2 Inmates who claim to be unable to produce a specimen may be given no more than an eight ounce glass of water and shall remain under staff observation for two hours in an area where they cannot drink water or other liquids to dilute the urine.
 - 2.4.2.1 If, at the end of two hours, the inmate still claims the inability to urinate, the inmate shall be charged with refusing to submit to urinalysis testing as outlined in Department Order #803, Inmate Disciplinary System.
- 2.4.3 If an offender claims to be unable to produce a specimen, Parole Officers shall follow procedures established by the Community Corrections Technical Manual. These procedures may decrease time limits, based on the staff member's judgment, but shall not exceed the two-hour time limit.
 - 2.4.3.1 Offenders shall not be charged with disobeying a direct order, but shall be charged with a violation of conditions of supervision.
- 2.4.4 Certain psychotropic medications interfere with an individual's ability to urinate. If an inmate or offender has indicated that he or she is taking a medication that the staff member believes may be a psychotropic, the procedure outlined above shall be followed. At the end of the two-hour period, the inmate shall be instructed to produce whatever urine he or she can, even if it is less than the required one to two ounces. If the inmate is still unable to produce any urine, the staff member shall document the incident on the Request for Inmate Substance Screen.
 - 2.4.4.1 Staff pursuing disciplinary action for the inmate's failure to produce a specimen shall verify that the inmate was on psychotropic medication as a potential mitigating circumstance.

3.0 INMATE URINE TESTING GUIDELINES

- 3.1 Urine tests shall be performed according to protocol established by the vendor providing the Rapid-Tox cups.
- 3.2 Urine tests shall be performed only by staff who has received training provided by the vendor, or completed a review of the vendor provided operational manual. *[Revision – January 21, 2012]*
- 3.3 Test results shall be interpreted using only the established guidelines of the Rapid-Tox cup, as either positive or negative.
- 3.4 Specimens that test positive shall be logged, packaged, and sent by the vendor to the approved testing laboratory for confirmation. Confirmed positive test results may serve as the sole basis for inmate discipline, revocation, rescission, or classification action.
- 3.5 Inmate urine test results shall be considered confidential and shall be made known only to authorized personnel until disposition of related action is finalized.

IMPLEMENTATION *[Revision – November 7, 2017]*

Within 90 days of the effective date of this Department Order, the Division Director for Prison Operations shall, in cooperation with the Community Corrections Operations Director:

- Update the Service Dog Technical Manual, to include procedures for the acquisition, training, upkeep and use of narcotic detection dogs and for selecting and training dog handlers.

Within 90 days of the effective date of this Department Order, the Community Corrections Operations Director shall ensure that:

- Testing and collection procedures for Community Corrections are established in the Community Supervision Technical Manual, to include procedures that outline scheduling for urine specimen collection from offenders on any type of Community Supervision. The procedures shall also address urine testing required by the Board of Executive Clemency.
- Testing and collection procedures are included in the appropriate contract publications.

Within 90 days of the effective date of this Department Order, Wardens, Deputy Wardens and Administrators shall develop Post Order #043, Urinalysis Security Officer.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms

FORMS LIST

709-1, Request for Inmate Substance Screen
709-9, Urinalysis Chain of Evidence Log

AUTHORITY

A.R.S. §31-230, Taking Prohibited Articles into Prison

A.R.S. §13-2505, Promoting Prison Contraband